

Remarks

The following remarks are submitted in response to the Restriction Requirement mailed February 14, 2007. Please note that claim 3 has been amended and new claims 13-15 have been added. Thus, claims 1-15 are currently pending in the instant application.

Applicants thank the Examiner for considering and entering the Supplemental Response mailed on December 20, 2006 and further for vacating the previous Restriction Requirement mailed on November 6, 2006.

Restriction Requirement

In the outstanding Office Action, it was asserted that the pending claims are drawn to five inventions as follows:

- **Group I** (claims 1 and 2) drawn to a human RL5 protein of SEQ ID NO:2 or amino acid residues 29-213 of SEQ ID NO:2;
- **Group II** (claims 3-8) drawn to a polynucleotide encoding the human RL5 protein of SEQ ID NO:2 or amino acid residues 29-213 of seq ID NO: 2, vectors, vector engineered host cells and method of producing the protein from the vector engineered host cell;
- **Group III** (claims 9, 11 and 12) drawn to an antibody that specifically binds the human RL5 protein of SEQ ID NO: 2 or amino acid residues 29-213 of SEQ ID NO:2, and pharmaceutical compositions thereof;
- **Group IV** (claims 11 and 12) drawn to a pharmaceutical compositions comprising an antisense nucleotide sequence for RL5 gene; and
- **Group V** (claim 10) drawn to a method of detecting a RL5 protein in a sample using an antibody against RL5 and observing an immunocomplex.

Election

Applicants note that Group II as set forth in the outstanding Office Action did not include claim 5. Applicants assume that claim 5 was accidentally omitted from Group II, probably because it had not been included in Group II in the previous Office Action, which was subsequently vacated. Thus, Applicants will treat claim 5 as a part of Group II.

Applicant hereby elects Group II (claims 3-8), **with traverse**.

Discussion

It is asserted in the Office Action that there are five groups of pending claims as set forth above which do not share a special technical feature. Applicants respectfully disagree.

The contribution of the present invention is a novel human novel tumor tag of RL5 protein comprising the amino acid sequence of SEQ ID NO: 2. Because of the correlation between the amino acid and the corresponding codon well-known in the art, it is respectfully submitted that the nucleotide sequence of nucleotides 1-639 in SEQ ID NO: 1 and the encoded amino acid sequence of SEQ ID NO: 2 should be deemed as a corresponding special technical feature. Applicants assert that the amended claims are not anticipated or obvious in view of the prior art and, therefore, share said special technical feature.

Moreover, Applicants respectfully note that, in some previously issued U.S. patents, the new polypeptide and the corresponding encoding nucleotide sequence have been deemed as a corresponding special technical feature. Please see the attached pages from those patents with arrows highlighting the relevant passages.

Conclusion

Applicants respectfully submit that claims 1-15 are in condition for allowance. Reconsideration and a Notice of Allowance for all pending claims is respectfully requested.


If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-340-7862.

This response is being submitted on or before March 14, 2007, making this a timely response. It is believed that no fees are due in connection with this filing. However, the Commissioner is authorized to charge any fees, including extension fees or other relief which may be required, or credit any overpayment, to Deposit Account No. 04-1420.

Respectfully submitted,

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Date: March 14, 2007

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